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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,117	04/20/2004	Mathieu Lion	25402-006	6486

32137 7590 10/27/2005

Attention: PATENTS  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

EXAMINER

WILSON, LEE D

ART UNIT PAPER NUMBER

3723

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/829,117	<b>Applicant(s)</b> LION ET AL.	
	<b>Examiner</b> LEE D. WILSON	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/27/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Oath/Declaration***

1. New Declaration/Oath has been accepted filed 8/25/05.

***Election/Restrictions***

2. Applicant's election without traverse of Group I, claims 1-21 in the reply filed on 8/25/05 is acknowledged.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Veltz et al (20020088060A1).

Veltz et al disclose a multi purpose tong having a handle (58), Tongs (22& par.24, line 14), knife (78), and a bottle opener (86).

In regard to the pillar material, any material can be said to be adapted to do something and therefore the prior art can also be adapted. The pillar is being read as the end of the handle.

5. Claims 1, 3-16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Veltz et al (6470522).

Veltz et al disclose a multi purpose tong having a handle (58), Tongs (22), knife (78), and a bottle opener (86).

In regard to the pillar material, any material can be said to be adapted to do something and therefore the prior art can also be adapted. The pillar is being read as the end of the handle.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veltz et al (2002/0088060A1) in view of Admitted Prior Art (APA on Background of Inventions pars. 1-4) and/or McGuyer et al (2003/0234205A1).

a. Veltz et al discloses the claimed invention except for a zester.

McGuyer et al teach that it is known to use a zester accessory 260 is a **zester** the accessory 276 is a straight peeler with a **blade** which allows a blade to peel and APA discloses that zester are old and well known which means that is obvious to uses zesters.

b. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Veltz et al device by providing a zester on a blade as taught by McGuyer et al and APA which allows for

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8. workpieces to be peeled. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veltz et al (6470522) in view of Admitted Prior Art (APA on Background of Inventions pars. 1-4) and/or McGuyer et al (2003/0234205A1).

c. Veltz et al discloses the claimed invention except for a zester.

McGuyer et al teach that it is known to use a zester accessory 260 is a zester, the accessory 276 is a straight peeler with a blade which allows a blade to peel and APA discloses that zester are old and well known which means that is obvious to uses zesters.

d. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Veltz et al device by providing a zester on a blade as taught by McGuyer et al and APA which allows for workpieces to be peeled.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tarlow and Sawyer et al disclose an invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

October 24, 2005



LEE D. WILSON  
PRIMARY EXAMINER

LEE D. WILSON  
PRIMARY EXAMINER